IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.11054 OF 2000

Dated: August 29, 2007

Between:

Vaghu Veera Raghavamma, W/o. late VDVP Narasimha Rao, Hindu, aged about 65 years, Housewife, R/o. Yeleswaram, East Godavari District, and others.

… Petitioners

And

The Land Acquisition Officer and Special Deputy Collector, Y.R.P., Peddapuram, East Godavari District.

… Respondent

Order:

Petitioners seek Writ of Mandamus to direct the respondent to refer the applications filed by them under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act') to the civil court.

Petitioner No.1 is the wife and Petitioner Nos.2 to 4 are the children of one Mr. V.D.V.P. Narasimha Rao, whose land totally admeasuring Ac.10.34 cents in Lakkavaram village, East Godavari District was acquired for the purpose of Yeleru Reservoir Project. The

said Narasimha Rao participated in the Award enquiry and Award was passed on 15-11-1985.

The case of the petitioners is that as compensation was not fixed as per the market value existing as on that date, the said Narasimha Rao has sent application dated 04-12-1985 through Certificate of Posting to the respondent disputing the quantum of compensation and seeking to refer his application to the civil court under Section 18 of the Act for proper adjudication of the compensation for the land acquired. It is stated that though application has been filed, no action has been taken and ultimately after the death of the said Narasimha Rao, they have got issued notices dated 03-01-2000 and 17-04-2000 to the respondent, as legal representatives of the said Narasimha Rao, to refer their claim to the civil court and filed this writ petition in the year 2000.

Respondent has filed counter affidavit stating that though petitioners allege that application seeking reference to the civil court was sent, however, the office of the Special Deputy Collector, YRP Unit-I, Yeleswaram has been disbanded with effect from 28-02-1989 and the records were handed over to the office of the Special Deputy Collector and Land Acquisition Officer, YRP Unit-III, Peddapuram with effect from 23-03-1989. It is stated that even the said office has been disbanded in the year 1993 and records were handed over the Revenue Divisional Officer, Peddapuram in December, 1993 by tagging skeleton staff for looking after the residuary work. It is also stated that even after diligent search, application alleged to have been made under Section 18 of the Act has not been traced out in the office records. In the counter affidavit, while generally denying all the allegations of the petitioners, it is stated that since there is delay and laches on the part of the petitioners, they

are not entitled for any relief.

In this case, it is to be noted that Award was passed as early as on 15-11-1985. Even according to the petitioners, application was sent through Certificate of Posting on 04-12-1985. It appears that thereafter petitioners have kept quiet for 15 long years and only in the year 2000, they got issued notices dated 03-01-2000 and 17-04-2000 and filed this writ petition in the year 2000.

Delay and laches on the part of the writ petitioners indisputably has a role to play in the matter of grant of reliefs in a writ petition. There was gross delay and laches on the part of the petitioners in invoking the writ jurisdiction of this court. Moreover, it is stated in the counter affidavit that the application of the petitioners could not be traced due to the reasons explained therein, namely, disbanding of offices and due to delay and laches on the part of the petitioners. In this case, delay and laches go unexplained. Though learned counsel for petitioners submits that petitioners have been moving around the office of the respondent, the same is no ground to accept the delay of 15 long years in invoking the writ jurisdiction of this court. Hence, no direction as sought for can be given.

The writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

_____

JUSTICE R. SUBHASH REDDY.

August 29, 2007
MRR